

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 89**

BY SENATORS WOELFEL, GRADY, AND WOODRUM

[Originating in the Committee on Health and Human  
Resources; reported on January 18, 2023]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §15-9D-1 and §15-9D-2, all relating to sexual assault forensic examinations;  
3 defining terms; requiring hospitals to have on call, available health care providers to  
4 conduct sexual assault forensic examinations and to collect sexual assault forensic  
5 examination kits; requiring that the health care providers shall be trained and properly  
6 qualified by the Sexual Assault Forensic Examination Commission; and providing for  
7 effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9D. SEXUAL ASSAULT FORENSIC EXAM STAFF.**

**§15-9D-1. Definitions.**

1 As used in this section:

2 "Sexual assault forensic examination kit" or "kit" means a set of materials, including, but  
3 not limited to, swabs and tools for collecting blood samples, clothing, or other materials used to  
4 gather forensic evidence from a victim of a reported sexual offense and the evidence obtained  
5 with the materials, as also defined in §15-9B-1a(4) of this code.

6 "Sexual offense" means any offense or attempted offense in the jurisdiction of the state in  
7 which a sexual assault forensic examination kit is collected, also as further defined in §15-9B-  
8 1a(5) of this code.

9 "Hospital" means a facility licensed pursuant to the provisions of §16-5B-1 et seq. of this  
10 code that primarily provides inpatient diagnostic, treatment, or rehabilitative services to the  
11 injured, disabled, or sick persons under the supervision of physicians with a 24-hour emergency  
12 department.

**§15-9D-2. Required staff.**

1 (a) Every hospital, as defined in this article, shall have on-call, available health care  
2 providers 24 hours each day to conduct examinations, including, but not limited to the collection  
3 of the sexual assault forensic examination kit of persons seeking treatment as victims of sexual

- 4 offenses as defined in this article. The health care providers shall be trained and properly qualified  
5 by the Sexual Assault Forensic Examination Commission, as established in §15-9B-1 *et seq.* of  
6 this code to conduct the required forensic examination and to properly collect the sexual assault  
7 forensic examination kit.
- 8 (b) This article shall be effective July 1, 2024.